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TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			ROSARIO, DENNIS	
		ART UNIT	PAPER NUMBER	
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DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/028,997	WOLFF ET AL.
	Examiner Dennis Rosario	Art Unit 2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-77 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-77 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 December 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/25/2005.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment was received on April 15, 2005. Claims 1-77 are pending.

Specification

2. Due to the amendment, the objection to the specification is withdrawn.

Claim Objections

3. Due to the amendment, the objection to claim 26 is withdrawn.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3,4,29,30,58 and 59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claim 3 which states:

The method of claim 2 further comprising:

creating a link between at least one digital image in the customized digital image and a corresponding digital image in the second set of digital images of which the at least one digital image is a copy.

Line 2 has the phrase "at least one digital image" which has no antecedent basis and could be referring to "a first digital image" of claim 1, line 3 or "a digital image" of claim 1, line 6. Where the later, "a digital image" of claim 1, line 6, is most likely to be referring to claim 3, line 2: "at least one digital image", because there is no support in the specification for creating a link between a template or the "first digital image" of claim 1, line 3 and a corresponding digital image in the second set of digital images.

In addition claim 3, lines 3,4 states, "...the at least one digital image is a copy." which is not too clear as to what the at least one digital image is a copy of? Is it an arbitrary copy of any image? Or is it a copy from the second set of digital images of claim 2?

Thus, claim 3 ought to be amended to read:

The method of claim 2 further comprising:

creating a link between at least one of said digital image from said first set of digital images in the customized digital image and a corresponding digital image in the second set of digital images of which the at least one of said digital image from said first set of digital images is a copy from said second set of digital images.

Note as currently amended in the amendment filed 4/15/2005, the phrase "at least one digital image" in claim 3, line 2 is interpreted to mean that the "at least one digital image" includes one image or "a digital image" from claim 1, line 6 and at least one image from "copies of a second set of digital images" of claim 2, line 2 and not "a first digital image" of claim 1, line 3.

Also the phrase "the first set of digital images comprises digital image copies of a second set of digital images" in claim 2, lines 1,2 is interpreted as the first set of digital images comprises digital image copies of a second set of digital images in addition to said a digital image in claim 1, line 6. Thus the first set of digital images includes a digital image and copies of digital images.

Claim 4 is rejected for depending on a rejected parent claim.

Claims 29 and 58 are rejected the same as claim 3.

Claims 30 and 59 are rejected for depending on rejected parent claims 29 and 57, respectively.

Response to Arguments

7. Regarding claim 1, applicant's arguments on page 21, lines 6-8 filed 4/15/2005 have been fully considered but they are not persuasive which states:

Applicant submits that at least the features of determining one or more placement regions from a first digital image, and generating a customized digital image using the first image and images from a first set is not anticipated by Takahashi or Cheng.

However, Takahashi does anticipate determining one or more placement regions (One placement region or “layout position” in col. 5, line 55 as shown in fig. 2, label: “1”) is determined or “entered” in col. 5, line 54 for a “currently selected image” in col. 5, lines 55,56.) from a first digital image (One placement region or “layout position” in col. 5, line 55 as shown in fig. 2, label: “1”) is determined or “entered” in col. 5, line 54 for a “currently selected image” in col. 5, lines 55,56 from a first digital image as shown in figure 2 that is a “template[] displayed on the image display unit” in col. 5, lines 52,53.), and generating a customized digital image (Fig. 8 shows various images, 82,83 and 86 generated using the method of fig. 7 where a user decides the way an image 82 or 83 or 86 should be generated as containing 1,2 or three images, respectively; thus, a user enters values that generates an image that has been customized by the user.) using the first image (Fig. 8 shows various images, 82,83 and 86 generated using the method of fig. 7 where a user decides the way an image 82 or 83 or 86 should be generated as containing 1,2 or three images, respectively; thus, a user enters values that generates an image that has been customized by the user using the first image or the above mentioned currently selected image.) and images from a first set (Fig. 8 shows various images, 82,83 and 86 generated using the method of fig. 7 where a user decides the way an image 82 or 83 or 86 should be generated as containing 1,2 or three images, respectively; thus, a user enters values that generates an image that has been customized by the user using the first image or the above mentioned currently selected image and images from a first set that are “templates displayed on the image display unit” in col. 5, lines 52,53 as shown in figure 8, numerals 81,83 and 86.).

8. Regarding claim 1, applicant's arguments on pages 21,22, and in particular the second to last paragraph on page 21 filed 4/15/2005 have been fully considered but they are not persuasive and states:

One substantial difference is that the "layout template" that is used in Takahashi is not an image itself.... Fig. 2 of Takahashi shows an example of a layout template but Takahashi does not indicate that the layout template is an image.

;however, the layout template that is used in Takahashi is an image itself (because the template image is displayed on an image display unit in col. 5, lines 52,53) and in fig. 2 of Takahashi which shows an example of a layout template and does indicate that the layout template is an image because the template image is "displayed on the image display unit" in col. 5, lines 52,53.

9. Regarding claim 3, applicant's arguments on page 23, 3rd paragraph, see amendment, filed 4/15/2005, with respect to claim 3 have been fully considered but they are not persuasive. See the rejection for claim 3 below.

10. Regarding claim 10, applicant's arguments on page 23, last paragraph filed 4/15/2005 have been fully considered but they are not persuasive and states:

As another example, claim 10 recites determining "image identification information" associated with a placement region from the first digital image where the image identification information identifies an attribute of a digital image to be placed in the region. Such a concept is not taught or suggested by Takahashi.

;however, Takahashi does disclose determining image identification information (Image identification information or a "print format" in col. 10, line 28 is determined using an analysis of an image based on the print format performed in fig. 9,num. 3.) associated with a placement region (Image identification information or a "print format" in col. 10, line 28 is determined using an analysis of an image based on the print format performed in fig. 9,num. 3 where the print format includes an associated placement region or "PRINT POSITION" as shown in fig. 7 that corresponds to positions or regions 82 of image 81, 84,85 of image 83 and 87,88 and 89 of image 86 and fig. 2 labels 1)-6.) from the first digital image (Image identification information or a "print format" in col. 10, line 28 is determined using an analysis of an image based on the print format performed in fig. 9,num. 3 where the print format includes an associated placement region or "PRINT POSITION" as shown in fig. 7 that corresponds to positions or regions 82 of image 81, 84,85 of image 83 and 87,88 and 89 of image 86 from the first digital image as shown in fig. 2 or fig. 8, numerals 81,83 and 86.)...

...where the image identification information (The “print format” in col. 10, line 28...) identifies an attribute (The “print format” in col. 10, line 28 is used by an “image process means” to identify or “analyz[e]” in col. 9, line 14 an attribute or “PRINT POSITION” as shown in fig. 7) of a digital image (The “print format” in col. 10, line 28 is used by an “image process means” to identify or “analyz[e]” in col. 9, line 14 an attribute or “PRINT POSITION” as shown in fig. 7 of the digital image or “image data” in col. 9, line 14.) to be placed in the region (The “print format” in col. 10, line 28 is used by an “image process means” to identify or “analyz[e]” in col. 9, line 14 an attribute or “PRINT POSITION” as shown in fig. 7 of the digital image or “image data” in col. 9, line 14 to be placed in the region of fig. 8, numerals 81,83 and 86.).

11. Regarding claim 12, applicant's arguments on page 24, lines 9-11 filed 4/15/2005 have been fully considered but they are not persuasive and states:

As another example, claim 12 recites identifying a “first digital image” to be placed in the first placement region based upon timestamps associated with images in the first set of digital images. Applicants submits that this is not taught by Takahashi.

;however, Takahashi discloses identifying a first digital image (An “image process means” in col. 9, line 12 uses a “designated” layout represented in fig. 7 to identify or analyze the designated layout or SHEET NO. of fig. 7 to identify a “first image” in col. 9, line 35.) to be placed in the first placement region (An “image process means” in col. 9, line 12 uses a “designated” layout represented in fig. 7 to identify or analyze the designated layout or SHEET NO. of fig. 7 to identify a “first image” in col. 9, line 35 to be placed in the first placement region as shown in fig. 8,num. 82.) based upon timestamps (An “image process means” in col. 9, line 12 uses a “designated” layout represented in fig. 7 to identify or analyze the designated layout or SHEET NO. of fig. 7 to identify a “first image” in col. 9, line 35 to be placed in the first placement region as shown in fig. 8,num. 82, and the image process means “analyz[es]...image data” in col. 9, line 14, where image data is “composed of a related information section 1” in col. 4, lines 32,33 that includes “date information” in col. 4, line 40, “based on the print data” in col. 9, line 38 which includes timestamps represented shown in fig. 6, num. 72 which is image data or related information that includes date information ready for analysis in JPG “format[]” in col. 4, line 42 and col. 6, line 54 and col. 7, line 53 by the image process means where the JPG format includes “date information” in col. 4, line 40. Thus, the image process means analyzes the print data as shown in fig. 7 under the FILE NAME column, which includes the date information.) associated with images in the first set of digital images.

12. Regarding claim 25, applicant's arguments on page 25, 2nd paragraph filed 4/15/2005 have been fully considered but they are not persuasive and states:

The "button" is thus selected only when a specific image captured by the digital camera is to be identified as a template image. Applicant submits that this feature recited in claim 26 is not anticipated by Takahashi.

:however, Takahashi does anticipate using the digital camera (A digital camera is used as shown in fig. 4,num. 21) to capture the one or more images (A digital camera is used as shown in fig. 4,num. 21 to capture one or more images represented in figure 6 as numerals 72-75.) comprises capturing the one or more images using the digital camera without selecting the button of the digital camera (A digital camera is used as shown in fig. 4,num. 21 to capture one or more images represented in figure 6 as numerals 72-75 without selecting or "setting" in col. 8, line 43 the button or "unrepresented member (switch)" in col. 8, line 42 of the digital camera that corresponds to a 'print data setting mode' in col. 7, line 18 and in col. 8, lines 41-53 which is "independent from the photographing [mode]" in col. 8, lines 50,51 "either of which [mode] is rendered effective by a mode switching operation [via the unrepresented member (switch)].").

Note that fig. 5, num. 54 contains the unrepresented switch where fig. 5, num. 54 is called a "UI setting section 54" in col. 8, lines 43,44 or a user interface setting section where a user can interface with either mode "at any time" in col. 8, line 52 to set a "desired print format...for each photographed image data" in col. 8, lines 52,53.

13. Regarding claim 53, applicant's arguments on page 25, last paragraph filed 4/15/2005 have been fully considered but they are not persuasive and states in particular:

...the "button" recited in claim 53 which when selected indicates a particular image as a template image...Applicant thus submits that such a feature is not described by Takahashi.

;however, Takahashi does describe the "button" or "unrepresented member (switch)" in col. 8, line 42 recited in claim 53 which when selected via a "mode switching operation" in col. 6, line 58 or "switched to the 'print data setting mode'." in col. 7, lines 17,18 or "set at a print data setting [as shown in fig. 3] mode by an...unit." in col. 5, lines 44,45 all of which indicates a particular image via a "image display unit" in col. 5, line 53 as a template image or a "layout...from...templates" in col. 5, line 52 displayed on the image display unit.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-4,7-25,27-30,33-49,52-59,62-75 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi (US Patent 6,504,960 B2).

Regarding claim 1, Takahashi discloses the method of generating a customized digital image, the method comprising:

a) receiving a first digital image (Fig. 3, step 3:SELECT LAYOUT as shown in figure 2 which is an image because it is “displayed on the image display unit” in col. 5, lines 52,53.);

b) determining one or more placement regions (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.) from the first digital image (Fig. 3, step 3:SELECT LAYOUT as shown in figure 2 or one placement region or “layout position” in col. 5, line 55 as shown in fig. 2, label: “1”) is determined or “entered” in col. 5, line 54 from a first digital image as shown in figure 2.), each placement region of the one or more placement regions (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.) identifying a location (A user “enters” a layout position in col. 5, lines 52-55,) on the first digital image (Fig. 3, step 3:SELECT LAYOUT as shown in figure 2.)....

for placing a digital image ("selected image" in col. 5, line 56 and shown in step 1:SELECT IMAGE of figure 3.) from a first set of digital images (A selection of an image implies a group of pictures to be selected;

c) identifying (Fig. 3, step 1: SELECT IMAGE includes selecting which is a form of identifying.), for each placement region of the one or more placement regions (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.), a digital image (An image is selected from step 1:SELECT IMAGE of figure 3.) from the first set of digital images (A selection of an image implies a group of pictures to be selected.) to be placed in the placement region (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE for the selected image; and

d) for each placement region of the one or more placement regions (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.), placing a digital image ("selected image" in col. 5, line 56 and shown in step 1:SELECT IMAGE of figure 3.) from the first set of digital images (A selection of an image implies a group of pictures to be selected.) identified (Fig. 3, step 1: SELECT IMAGE corresponds to a selected or identified image.) for the placement region in the placement region (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE for the selected image.)...

...to generate the customized digital image (The image of figure 2 is used to generate a customized digital image with images selected for each region "1) thru 6)" placed in the respective regions or alternatively, fig. 8 shows various images, 82,83 and 86 generated using the method of fig. 7 where an image 82 or 83 or 86 is generated as containing 1,2 or 3 images, respectively; thus, a user enters values that generates an image that has been customized by the user using a "currently selected image" in col. 5, lines 55,56 or images from a first set of images and a first image or a template selected from "templates displayed on the image display unit" in col. 5, lines 52,53 one of which is shown in figure 8, numeral 83.).

Regarding claim 2, Takahashi discloses the method of claim 1 wherein the first set of digital images (A selection of an image implies a group of pictures to be selected.) comprises digital image copies (Fig. 3, step 5:INPUT OUTPUT SIZE corresponds to copied resized image to be placed in the image of figure 2:LAYOUT TEMPLATE based on the selected image as mentioned in col. 5, lines 56-65.) of a second set of digital images (The output of figure 3, step 5:INPUT OUTPUT SIZE corresponds to a second set of copied images based on the selected images.).

Regarding claim 3, Takahashi discloses the method of claim 2 further comprising:

a) creating a link (Fig. 9, num. 7 creates a link represented by the line between numerals 7 and 3 of fig. 9 based on a NO statement in fig. 9,num. 7.) between at least one digital image in the customized digital image (Fig. 9, num. 7 creates a link represented by the line between numerals 7 and 3 of fig. 9 based on a NO statement in fig. 9,num. 7 between at least one digital image in the customized digital image or "final... image" in col. 10, lines 31,32 which corresponds to either image as shown in fig. 8,numerals 82,83 and 86.) and a corresponding digital image in the second set of digital images (Fig. 9, num. 7 creates a link represented by the line between numerals 7 and 3 of fig. 9 based on a NO statement in fig. 9,num. 7 between at least one digital image in the customized digital image or "final... image" in col. 10, lines 31,32 which corresponds to either image as shown in fig. 8,numerals 82,83 and 86 and a corresponding digital image stored in an "expandable memory" in col. 7, line 30 of fig. 5 numeral "**62**" in col. 7, line 28 which corresponds to a step 4 of fig. 9 in the second set of digital images of the expandable memory in step 4 of fig. 9.)...

...of which the at least one digital image is a copy (Fig. 9, num. 7 creates a link represented by the line between numerals 7 and 3 of fig. 9 based on a NO statement in fig. 9,num. 7 between at least one digital image in the customized digital image or "final... image" in col. 10, lines 31,32 which corresponds to either image as shown in fig. 8,numbers 82,83 and 86 and a corresponding digital image stored in an "expandable memory" in col. 7, line 30 of fig. 5 numeral "**62**" in col. 7, line 28 which corresponds to a step 4 of fig. 9 in the second set of digital images of the expandable memory in step 4 of fig. 9 of which the at least one digital image or "final... image" in col. 10, lines 31,32 is a copy, because it was received from a camera as shown in fig. 9, num. 1, stored or copied in the above mentioned expandable memory of fig. 9, num. 4 and is image processed in fig. 9, num. 4 using "color conver-sion (also including inversion, rotation, special effect...)." where each image processing creates an altered version of the stored or copied version in the expandable memory of fig. P, num. 4. Thus, the image processing provides an additional copy of images stored or copied in fig. 9,num. 4 to generate the claimed at least one digital image or "final... image" in col. 10, lines 31,32 of fig. 9,num. 5 where from a link or loop may be formed between the images of fig. 9,num. 5 and fig. 9,num. 4 based on fig. 9,num. 7.).

Regarding claims 4 and 59, Takahashi discloses the method of claim 3 further comprising:

- a) code (Fig. 9, num. 3:PRINT FORMAT is code input from a user in col. 10, lines 60-62.) for receiving a user input indicating selection (Fig. 9, num. 6: PRINT generates a print based on user input in col. 10, lines 60-62.) of the at least one digital image (Fig. 2: LAYOUT TEMPLATE contains one image, "1") in the customized digital image (The image of figure 2:LAYOUT TEMPL/TE is used to generate a customized digital image with images selected for each region "1" thru "6" placed in the respective regions; and
- b) in response to receiving the user input (Fig. 9, num. 6: PRINT generates a print based on user input in col. 10, lines 60-62.), retrieving the digital image (A resized image placed in region "1" in col. 5, lines 59-65 for retrieving a printed image.) corresponding to the at least one digital image (Fig. 2: LAYOUT TEMPLATE contains one image, "1") from the second set of digital images (The output of figure 3, step 5:INPUT OUTPUT SIZE corresponds to a second set of copied resized images based on Fig. 2: LAYOUT TEMPLATE that contains one image, "1".).

Regarding claim 7, Takahashi discloses the method of claim 1 wherein the one or more placement regions (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.) on the first digital image (Fig. 3, step 3:SELECT LAYOUT as shown in figure 2.) are indicated by one or more bounded regions (Figure 2 has a bounded region or rectangle with a text or mark, "1" enclosed as shown.).

Claims 8,9, 33 and 62 are rejected the same as claim 7. Thus, argument similar to that presented above for claim 7 is equally applicable to claims 8,9,33 and 72.

Regarding claims 10 and 65, Takahashi discloses the method and computer program product of claims 1 and 57 wherein the code for identifying (Fig. 9, num.3: ANALYZE IMAGE DATA BASED ON PRINT FORMAT), for each placement region of the one or more placement regions, a digital image from the first set of digital images to be placed in the placement region comprises:

a) code (Fig. 1:IMAGE DATA FORMAT) for determining image identification information (Fig. 1 , num. 31: VER/HOR INFORMATION is a part of IMAGE DATA FORAMT and determines how an image is oriented vertically or horizontally in col. 4, lines 44-52.) associated (The image's vertical or horizontal orientation is associated with LAYOUT INFORMATION during a series of print settings in col. 6, lines 32-39.) with at least a first placement region (Fig. 2: LAYOUT TEMPLATE has a first placement region "1") of the one or more placement regions (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.) from the first digital image (Fig. 3, step 3:SELECT LAYOUT as shown in figure 2. Alternatively, image identification information or a "print format" in col. 10, line 28 is determined using an analysis of an image based on the print format performed in fig. 9,num. 3 where the print format includes an associated placement region or "PRINT POSITION" as shown in fig. 7 that corresponds to positions or regions 82 of image 81, 84,85 of image 83 and 87,88 and 89 of image 86 from the first digital image as shown in fig. 2 or fig. 8, numerals 81,83 and 86.),...

...the image identification information (Fig. 1, num. 31 : VER/HOR INFORMATION) identifying an attribute (orientation) of a digital image (Fig. 1, num. 31: VER/HOR INFORMATION determines how an image is oriented vertically or horizontally in col. 4, lines 44-52.) to be placed in the at least first placement region (Fig. 2: LAYOUT TEMPLATE has a first placement region "1"). Alternatively, the "print format" in col. 10, line 28 or the claimed image identification information is used by an "image process means" to identify or "analyz[e]" in col. 9, line 14 an attribute or "PRINT POSITION" as shown in fig. 7 along with VER/HOR INFORMATION of the digital image or "image data" in col. 9, line 14 to be placed in the region of fig. 8, numerals 81,83 and 86.); and

b) code (Fig. 7 num. 71 :PRINT DATA FILE) for identifying a first digital image (Fig. 7, num. 71 contains a FILE NAME that identifies an image.) from the first set of digital images (A selection of an image implies a group of pictures to be selected.) to be placed in the at least first placement region (Fig. 2: LAYOUT TEMPLATE has a first placement region "1") based upon the image identification information (Fig. 1, num. 31: VER/HOR INFORMATION is shown in figure 7 that has a column for VER/HOR INFORMATION) associated with the at least first placement region (Fig. 2: LAYOUT TEMPLATE has a first placement region "1" and in shown in figure 7 with a column labeled "PRINT POSITION 1").

Regarding claims 11 and 66, Takahashi discloses the method and program of claims 10 and 65 wherein identifying the first digital image from the first set of digital images to be placed in the at least first placement region based upon the image identification information associated with the at least first placement region comprises:

a) code (Fig. 7, num. 71 : PRINT DATA FILE 71) for identifying a digital image (Fig. 7, label: "AUT 0001.JPG") from the first set of digital images (A selection of an image implies a group of pictures to be selected as shown in fig. 7 under the FILE NAME column.) as the first digital image (Fig. 7 has a respective filename "AUT 0001.JPG" that identifies an image from a group of pictures.) if information (Figure 7, filename "AUT 0001.JPG" has associated information as shown in the column headings: SHEET NO., VER/ HOR. , LAYOUT, PRINT POSITION, PRINT NO. and PRINT SIZE.) associated with the digital image (Figure 7, filename "AUT 0001.JPG" is a digital image.) matches (The column headings of SHEET NO., LAYOUT, PRINT POSITION, PRINT NO. and PRINT SIZE as used to match with the orientation column, VER/HOR to display an image as shown in figure 8, num. 82. If the orientation is not correct, then SHEET NO., LAYOUT, PRINT POSITION, PRINT NO. and PRINT SIZE will result in an undesirable image that is not matched with the proper orientation.) the image identification information (Fig. 1, num. 31: VER/HOR INFORMATION and also shown in the VER/HOR column of fig. 7 shows that the image AUT-0001.JPG is in the vertical, VER, orientation.) associated with the at least first placement region (Using figure 7, the VER/ HOR INFORMATION column of the image filename AUT-0001. JPG is associated with a PRINT POSITION 1 as shown in figure 8, num. 82.).

Claims 12 and 67 were addressed in claim 10 except for the limitation of

a) code (Fig. 7, label: FILE NAME contains an image format.) for determining a time stamp (FIG. 1 , num. 13: DATE INFORMATION) associated with each digital image (Fig. 1 , num. 13: DATE INFORMATION is associated with an IMAGE DATA FORMAT as labeled in figure 1.) in the first set of digital images (A selection of an image implies a group of pictures to be selected.); and

b) code for identifying a first digital image from the first set of digital images to be placed in the at least first placement region based upon the image identification information associated with the at least first placement region (This portion was code for identifying a first digital image from the first set of digital was addressed in claim 10.) and the time stamp (Fig. 1, num. 13: DATE INFORMATION is identified via a JPG format that uses filenames as mentioned in col. 4, lines 38-43.) associated with each digital image (Fig. 1, num. 13: DATE INFORMATION is associated with an IMAGE DATA FORMAT as labeled in figure 1.)...

...in the first set of digital images (A selection of an image implies a group of pictures to be selected or alternatively fig. 9 is code for identifying a first digital image as shown in fig. 6, num. 72 from the first set of digital images as shown in fig. 6, numerals 72-75 to be placed in the at least first placement region as shown in fig. 8, num. 82 based upon image identification information as shown in fig. 6, num. 71 associated with the first placement region shown in fig. 8, num. 82 and "based on the print data corresponding to the image data 72..." in col. 9, lines 38,39 where the print data includes a time stamp or "date information" in col. 4, line 40 which is "used in...JPEG" format in col. 4, lines 42,43 where in fig. 6 shows image 72 in JPG format associated with each digital image 72 of fig. 6 in the first set of digital images. Thus, the image position of fig. 8, num. 82 is based on a print data, which includes the claimed timestamp in JPEG format. Thus the image position of fig. 8, num. 82 is based on the claimed timestamp or date information in JPEG format.).

Regarding claim 13, Takahashi discloses the method of claim 1 wherein placing a digital image from the first set of digital images identified for the placement region in the placement region to generate the customized digital image comprises:

- a) adjusting (The size of an image is adjusted or "designated" in col. 5, lines 60,61 for placement or positioning in col. 5, lines 59-65.) the digital image ("selected image" in col. 5, line 56 and shown in step 1:SELECT IMAGE of figure 3.) to fit the placement region (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.).

Regarding claim 14, Takahashi discloses the method of claim 13 wherein adjusting the digital image to fit the placement region comprises:

a) scaling the digital image (An output size is designated.) to fit the placement region (Fig. 3, step 4: INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.).

Regarding claim 15, Takahashi discloses the method of claim 13 wherein adjusting the digital image to fit the placement region comprises:

a) cropping the digital image (An image that overflows a placement region of figure 2,num. "1" is cropped in col. 5, lines 64,65.) to fit the placement region.

Regarding claim 16, Takahashi discloses the method of claim 1 wherein: for each placement region of the one or more placement regions (This portion was addressed in claim 1 .), a size (Fig. 7: PRINT SIZE corresponds to a respective selected image.) of the digital image ("selected image" in col. 5, line 56 and shown in step 1:SELECT IMAGE of figure 3.) placed in the placement region (Fig. 3, step 4: INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.) is determined by a size (Fig. 7: PRINT SIZE is the size of the placement regions 1-6 as shown in figure 2 :LAYOUT TEMPLATE and figure 8, numerals 82,84,85 and 87-89.) of the placement region (Fig. 3, step 4: INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE and figure 8, numerals 82,84,85 and 87-89.).

Claim 17 is similar to claim 1 except for the limitation disclosed by Takahashi of a method of generating a customized digital image, the method comprising:

- a) receiving a signal comprising digital signals (Fig. 3, num. 4: INPUT LAYOUT POSITION receives a signal 3: SELECT LAYOUT) representative of a plurality of digital images;
- b) determining a template image (Fig. 3, num. 3: SELECT LAYOUT allows a user to select a layout.) from the plurality of digital images;

Claims 18,57 and 72 are rejected the same as claim 1. Thus, argument similar to that presented above for claim 1 is equally applicable to claims 18,57 and 72.

Claims 19,28,47 and 73 are rejected the same as claim 2. Thus, argument similar to that presented above for claim 2 is equally applicable to claims 19,28,47 and 73.

Claims 20,29,48 and 74 are rejected the same as claim 3. Thus, argument similar to that presented above for claim 3 is equally applicable to claims 20,29,48 and 74.

Claims 21,30,49 and 75 are rejected the same as claim 4. Thus, argument similar to that presented above for claim 4 is equally applicable to claims 21 ,30,49 and 75.

Claims 22 and 50 are rejected the same as claim 5. Thus, argument similar to that presented above for claim 5 is equally applicable to claims 22 and 50.

Claims 23 and 51 are rejected the same as claim 6. Thus, argument similar to that presented above for claim 6 is equally applicable to claims 23 and 51.

Regarding claim 24, Takahashi discloses a method of generating a customized digital image using a digital camera, the method comprising:

- a) capturing one or more images (Fig. 5,num. 55:DATA STORAGE) using the digital camera (Fig. 5,num. 21:DIGITAL CAMERA);
- b) capturing a template image (A layout or template is captured or recorded in a memory 33 of figure 1 and mentioned in col. 4, lines 56-58.) by scanning (A camera contains the layout on a sheet in col. 4, lines 56-58. Thus, the camera photographed the sheet to be stored in memory 33.) a paper medium ("sheet" in col. 4, line 58);
- c) determining one or more placement regions (Fig. 3, step M:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure Z: LAYOUT TEMPLATE.) from the template image (Fig. 3, step 3:SELECT LAYOUT as shown in figure 2.), each placement region of the one or more placement regions (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure Z: LAYOUT TEMPLATE.) identifying a location (A user "enters" a layout position in col. 5, lines 52-55.) on the template image (Fig. 3, step 3:SELECT LAYOUT as shown in figure 2.) for placing an image ("selected image" in col. 5, line 56 and shown in step 1:SELECT IMAGE of figure 3.) from the one or more images (A selection of an image implies a group of pictures to be selected.) captured using the digital camera (Fig. 5,num. ZI:DIGITAL CAMERA);

d) identifying (Fig. 3, step 1: SELECT IMAGE), for each placement region of the one or more placement regions (Fig. 3, step 4: INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.), an image (An image is selected from step 1:SELECT IMAGE of figure 3.) from the one or more images (A selection of an image implies a group of pictures to be selected.) to be placed in the placement region (Fig. 3, step 4: INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE for the selected image.); and

e) for each placement region of the one or more placement regions (Fig. 3, step 4: INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE.), placing a copy (Fig. 3, step 5: INPUT OUTPUT SIZE corresponds to an altered or copied image to be placed in the image of figure 2:LAYOUT TEMPLATE based on the selected image as mentioned in col. 5, lines 56-65.) of an image ("selected image" in col. 5, line 56 and shown in step 1: SELECT IMAGE of figure 3.) from the one or more images (A selection of an image implies a group of pictures to be selected.) identified (Fig. 3, step 1: SELECT IMAGE corresponds to a selected or identified image.) for the placement region in the placement region (Fig. 3, step 4: INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2:LAYOUT TEMPLATE for the selected image.) to generate the customized digital image (The image of figure 2 is used to generate a customized digital image with images selected for each region "1) thru 6" placed in the respective regions.).

Claim 25 was rejected the same as claim 24. Thus, argument similar to that presented above for claim 24 is equally applicable to claim 25.

Regarding claim 27, Takahashi discloses the system (as shown in figure 5 that shows a digital camera 21 and a copy machine 22.) for generating a customized digital image, the system comprising:

- a) an input module (Fig. 5:PHOTOGRAPH MODE is a module that inputs); and
- b) a processing module (Fig. 5: PRINT DATA SETTING MODE uses the process as shown by the flow chart of figure 3:PRINT DATA SETTING.); wherein the input module is configured to receive a first digital image; and wherein the processing module is configured to: (The remaining portion of claim 27 was addressed in claim 1.)

Claims 34 and 63 are rejected the same as claim 8. Thus, argument similar to that presented above for claim 8 is equally applicable to claims 34 and 63.

Claims 35 and 64 are rejected the same as claim 9. Thus, argument similar to that presented above for claim 9 is equally applicable to claims 35 and 64.

Claim 36 was rejected the same as claim 10. Thus, argument similar to that presented above for claim 10 is equally applicable to claim 36.

Claim 37 was rejected the same as claim 11. Thus, argument similar to that presented above for claim 11 is equally applicable to claim 37.

Claim 38 was rejected the same as claim 12. Thus, argument similar to that presented above for claim 12 is equally applicable to claim 38.

Claim 39 was rejected the same as claim 13. Thus, argument similar to that presented above for claim 13 is equally applicable to claim 39.

Claims 40 and 69 are rejected the same as claim 14. Thus, argument similar to that presented above for claims 14 is equally applicable to claims 40 and 69.

Claims 41 and 70 are rejected the same as claim 15. Thus, argument similar to that presented above for claim 15 is equally applicable to claims 41 and 70.

Claim 42 was rejected the same as claim 16. Thus, argument similar to that presented above for claim 16 is equally applicable to claim 42.

Claims 43,44,55 and 56 are rejected the same as claim 27. Thus, argument similar to that presented above for claim 27 is equally applicable to claims 43,44,55 and 56.

Claim 45 is similar to claim 1 except for the limitation of a processor, memory and code which are disclosed by Takahashi of a system (fig. 5, num. 21:DIGITAL CAMERA) for generating a customized digital image, the system comprising:

a) a processor (Fig. 5, num. 52: IMAGE PROCESSOR); and
b) a memory (Fig. 10:MEM MAP OF STORAGE MEDIUM stores code that is processed by the IMAGE PROCESSOR.) coupled to the processor, the memory configured to store a plurality of code modules (Fig. 10: FIRST DATA PROCESSING PROGRAM of figure 3 and SECOND DATA PROCESSING PROGRAM of figure 9.) for execution by the processor, the plurality of code modules including:

a) a code module (Fig. 3, num. 1:SELECT IMAGE) for receiving a signal comprising digital signals representative of a plurality of digital images;

- b) a code module (Fig. 3, num. 3: SELECT LAYOUT) for determining a template image from the plurality of digital images;
- c) a code module (Fig. 3, num. 4: INPUT LAYOUTPOSITION) for determining one or more placement regions from the template image, each placement region of the one or more placement regions identifying a location on the template image for receiving a digital image from the plurality of digital images;
- d) a code module (Fig. 9, num.3: ANALYZE IMAGE DATA BASED ON PRINT FORMAT) for identifying, for each placement region of the one or more placement regions, a digital image from the plurality of digital images to be placed in the placement region; and
- e) a code module (Fig. 9, num. 4: EXECUTE IMAGE PROCESSING ON IMAGE DATA WITH LAYOUT) for placing, for each placement region of the one or more placement regions, a copy of a digital image from the plurality of digital images identified for the placement region in the placement region to generate the customized digital mage.

Claim 46 was rejected the same as claim 45. Thus, argument similar to that presented above for claim 45 is equally applicable to claim 46.

Claims 52,57,71 and 72 were rejected the same as claim 45. Thus, argument similar to that presented above for claim 45 is equally applicable to claims 52,57,71 and 72.

Regarding claim 53, Takahashi et al. discloses the digital camera (fig. 5, num. 21 :DIGITAL CAMERA) of claim 52 further comprising a first button ("mode switch" in col. 6, line 59.) which when selected indicates that an image received by the digital camera is a template image (Fig. 5 shows a PRINT DATA SETTING MODE generates a template or layout as shown in figure 1 where PRINT DATA SECTION 3 includes LAYOUT INFORMATION 33.).

Claim 54 is similar to claim 46 except for requiring a plurality of placement regions which are disclosed by Takahashi in fig. 2, numerals "1)" thru "6)" which are used to place an image in each region.

Regarding claim 58, Takahashi discloses the computer program product (Fig. 10:MEM MAP OF STORAGE MEDIUM stores code.) of claim 57 wherein the first set of digital images comprises digital image copies of a second set of digital images (addressed in claim 2), and the computer program product (Fig. 10:MEM MAP OF STORAGE MEDIUM stores code) further comprises code (Fig. 3 numerals 1-6 is code that performs the following limitation addressed in claim 3.) for creating a link between at least one digital image in the customized digital image and the corresponding digital image in the second set of digital images (Addressed in claim 3.).

Regarding claim 68, Takahashi discloses the computer program product of claim 57 wherein:

a) for each placement region of the one or more placement regions, a size of the digital image placed in the placement region is determined by a size of the placement region (This limitation was addressed in claim 16); and

b) the code for placing a digital image from the first set of digital images identified for the placement region in the placement region to generate the customized digital image comprises (This limitation was addressed in claim 57.) code (Fig. 3, num. 5: INPUT OUTPUT SIZE) for adjusting (The size of an image is adjusted or "designated" in col. 5, lines 60,61 for placement or positioning in col. 5, lines 59-65.) the digital image ("selected image" in col. 5, line 56 and shown in step I:SELECT IMAGE of figure 3.) to fit the placement region (Fig. 3, step 4:INPUT LAYOUT POSITION has placement regions 1-6 as shown in figure 2: LAYOUT TEMPLATE.).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 5,6,26,31,32,50,51,60,61,76 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (US Patent 6,504,960 B2) in view of Cheng et al. (US Patent 6,012,070 A).

Regarding claim 5, Takahashi does not teach the limitation of scanning a paper medium to receive a digital image, but does suggest that a digital image or "layout information" has to be recorded or memorized which suggests that the layout information could be stored on a medium.

However, Cheng et al. teaches scanning (Fig. 1, num. 11: CONVERT IMAGES AND GRAPHICS TO DIGITAL FORMAT. Thus, an analog image is converted or scanned to a digital image.) a paper medium ("photographs" in col. 4, line 44 is a paper medium that is converted in fig. 1, num. 11 and sent to fig. 1, num. 15 via num. 13 in col. 4, lines 48,49.) on which the one or more placement regions (Fig. 1, num 14: TEMPLATES have regions for placing text and drawings of a bird and money sign as shown and in col. 5, lines 4-6.) have been indicated to generate the first digital image (Fig. 1, num. 16: DIGITAL FORMAT OF TEMPLATE).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Takahashi's teaching of recording a layout or template with Cheng et al.'s teaching of scanning or converting a paper medium, because Cheng et al.'s teaching provides "an almost infinite number of different forms/brochures are possible depending upon the number of graphics templates" in col. 9, lines 20-23.).

Note that the graphics templates include photos or a paper medium, thus the photos were scanned or converted to digital form to create an almost infinite number of forms.

Regarding claim 26, Takahashi teaches the method of claim 25 wherein using the digital camera to capture the template image comprises:

- a) imprinting ("stor[ing]" in col. 4, line 57) the one or more bounded regions ("stor[ing]" in col. 4, line 57 the claimed bounded regions as shown in figure 2, labels: 1 thru 6) or the "layout [as shown in figure 2 with the bounded regions is] stored or imprinted.) on a paper medium;

b) selecting a button of the digital camera (or switching a switch of a “digital camera” in col. 7, line 17 as mentioned in col. 7, lines 15-18 and col. 8, lines 41-53.);

and

c) using the digital camera (The digital camera” in col. 7, line 17 and shown in fig. 4, num. 21 is used.) to capture (The digital camera” in col. 7, line 17 and shown in fig. 4, num. 21 is used to capture or “store[]” in col. 4, line 57.) an image (The digital camera” in col. 7, line 17 and shown in fig. 4, num. 21 is used to capture or “store[]” in col. 4, line 57 an image or “layout” in col. 4, line 56 “in the image data section” in col. 4, lines 57,58.) of the paper medium while the button of the digital camera is selected (The digital camera” in col. 7, line 17 and shown in fig. 4, num. 21 is used to capture or “store[]” in col. 4, line 57 an image or “layout” in col. 4, line 56 “in the image data section” in col. 4, lines 57,58 while the button or switch of the digital camera is selected or switched.); and

d) using the digital camera to capture the one or more images comprises capturing the one or more images using the digital camera without selecting the button of the digital camera (A digital camera is used as shown in fig. 4,num. 21 to capture one or more images represented in figure 6 as numerals 72-75 without selecting or “setting” in col. 8, line 43 the button or “unrepresented member (switch)” in col. 8, line 42 of the digital camera that corresponds to a ‘print data setting mode’ in col. 7, line 18 and in col. 8, lines 41-53 which is “independent from the photographing [mode]” in col. 8, lines 50,51 “either of which [mode] is rendered effective by a mode switching operation [via the unrepresented member (switch)].”).

Takahashi does not teach the limitation of imprinting bounded regions on a paper medium. However, Takahashi does teach that a “provid[ing] plural templates” in col. 4, lines-63,64 that include the claimed bounded regions as shown in fig. 2, labels 1) thru 6). Therefore Takahashi suggests that plural templates are provided in some way such as through a “user himself” in col. 1, line 35 by a “record[ing] or memorized [by the user himself]” in col. 1, line 37 which suggests the claimed imprinting in order to provide the plurality of templates.

However, Cheng et al. teaches, in the similar field of creating templates, imprinting bounded regions as shown in fig. 1, num. 10 which shows a figure of a person and graphics that looks like a bar graph are bounded regions, because the figure and the graphics inherently have an outline that was created or provided as suggested by Takahashi by “creators” in col. 4, line 42 on a paper medium or an implied analog form which “are converted to digital format” in col. 4, lines 43,44.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Takahashi’s teaching of providing a layout or template using memorization or recording or storing with Cheng et al.’s teaching of creators that create images and graphics because the images and graphics are of good quality due to “skilled...[and]...experienced creators” in col. 4, line 42.

Claims 6,31,50,60 and 76 are rejected the same as claim 5. Thus, argument similar to that presented above for claim 5 is equally applicable to claims 6,31,50,60 and 76.

Claims 32,51,61 and 77 are rejected the same as claim 6. Thus, argument

similar to that presented above for claim 6 is equally applicable to claims 32,51,61 and 77.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario whose telephone number is (571) 272-7397. The examiner can normally be reached on 6-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DR
Dennis Rosario
Unit 2621



A handwritten signature in black ink, appearing to read "JOSEPH MANCUSO", is overlaid on a large, stylized, loops-and-curves flourish. Below the signature, the word "Sign" is written in a cursive script.

JOSEPH MANCUSO
PRIMARY EXAMINER